

REMARKS

Claims 1-7 and 9-22 are pending in the application. Claim 23 is newly added as described herein below.

The drawings have been objected to under 37 C.F.R. §1.83(a). The Examiner states that the engine control mechanism of claim 20 must be shown or the feature cancelled from the claims. In order to have the rejection removed, the engine control mechanism has been deleted from claim 20.

In order to remove the claim objections with respect to claims 1, 21, and 22, the term "fifth wheels" has been replaced with "a fifth wheel".

Claims 9, 10 and 20 have been rejected under 35 U.S.C. § 112, second paragraph as being indefinite. The Examiner states that the variable control mechanism 11 does not comprise a valve control mechanism 12. As the Examiner states that the Fig. 1 shows the two mechanisms as separate entities, claims 9 and 20 have been amended to define that the variable control mechanism 11 interacts with the valve control mechanism 12, i.e. such as through data cable 21 as clearly illustrated in Fig. 1. Accordingly, it is respectfully submitted that the 35 U.S.C. §112 rejection has been overcome.

Claims 1-4, 14, 15, 17-19, and 21-22 have now been rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider (DE 41 10 893) in view of Heinzl (DE 43 04 857) and Elyakim (US 4,477,100). Claims 5-7 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider, Heinzl, and Elyakim, and further in view of Oloman (US 5,968,325). Claims 5, 7, 9-12, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider, Heinzl, and Elyakim, and further in view of Riskedal (US 6,874,599). Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider, Heinzl, Elyakim, and Oloman, and further in view of Schedrat (US 5,438,881). Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider, Heinzl, Alyakim, and further in view of Sedlatschek (US 3,844,729).

It is respectfully submitted that the Examiner has not presented a *prima facie* case of obviousness with respect to independent claims 1, 21 and 22. On page 5 of the Office Action, the Examiner begins his analysis with the language "the coupling plate or the lubrication system having at least one closing hook 24." However, the actual claim

wording reads "a closing mechanism arranged on a bottom side of a coupling plate, having at least one closing hook." In order to remove all doubt, the independent claims have been amended to emphasize that it is the closing mechanism having at least one closing hook.

Hence, the closing hook belongs to and is a part of the closing mechanism. Furthermore, the closing mechanism and also the closing hook are defined to be located on the bottom side of the coupling plate.

It is also respectfully incorrect where the Examiner states wherein "under the broadest interpretation, the wearing ring 24 shown in Schneider may be considered to be a closing hook, since it is a hook which encircles/encloses/draws near the kingpin.

It is respectfully submitted that the wearing ring 24 of Schneider is not part of the closing mechanism. Schneider identifies part 24 as a "Verschleißring" which is the precise translation for wearing ring 24. The wearing ring 24 does not belong to the closing mechanism, but is fixedly mounted to the coupling plate 10 via bolts 26, see Schneider, Col. 4, lines 5-7 and Col. 5, lines 12-14. On the other hand, Schneider also discloses a coupling hook according to the invention indicated with reference numeral 18 holding the kingpin in its closed position, see Col. 3, lines 56-58, which therefore belongs to the closing mechanism. As can be seen, for example in Fig. 2 of Schneider, the coupling hook 18 is located below wearing ring 24.

The present application also discloses a wearing ring, see reference number 14 in Fig. 1 which is made from a high impact-resistant plastic material and can be easily replaced after reaching its maximum wear, see paragraph [0041], last sentence. In addition to having a different technical function, the known wearing ring 24 disclosed by Schneider is clearly not arranged on the bottom of a coupling plate as required by claim 1, but instead on the top side, see Figs. 1-3 and 5 of Schneider.

Independent claim 1 further states that a grease reservoir is connected by a lubricating line to the closing hook such that grease is distributable from the lubricating line directly onto a contact surface of the closing hook which contacts a kingpin when the kingpin is present. The Examiner interprets that the former language does not require the grease reservoir to be connected to no other member. Accordingly, in order to remove this possible interpretation of the Examiner, the term "solely" has been

moved within the claim phrase and thus it should be more clear that the grease reservoir is solely connected by a lubricating line to the closing hook such that grease is distributable from the lubricating line directly onto a contact surface of the closing hook which contacts the kingpin when the kingpin is present. The Schneider scope and content cannot teach nor suggest the same.

The Examiner states that the Elyakim reference discloses a grease reservoir 13 that is a grease cartridge with the grease cartridge arranged on a fifth wheel 10. It is respectfully submitted that one of ordinary skill in the art would probably not even consider Elyakim due to the proposed idea of lubricating the top-side of the fifth wheel plate instead of the coupling hook. Furthermore, the known grease system according to Fig. 1 of Elyakim has to be located on the top-side of the fifth wheel plate as Fig. 1 is a plan view of the top of the fifth wheel, see Col. 2, lines 28-29. Figs. 2-4 of Elyakim are plan views of the bottom of the fifth wheel, which fail to show the components of the lubricating system.

The Examiner additionally states that it should be obvious for a person having ordinary skill in the art to arrange the grease cartridge on the fifth wheel since it has been held that rearranging parts of an invention involves only routine skill in the art. It is respectfully noted that the available space under and around the coupling plate is very small especially because of the rotatability of the coupling plate around a horizontal axis running through the bearing blocks. Therefore, it is respectfully not obvious to place the cartridge just in this small area under the coupling plate instead of another much more convenient mounting position, for example somewhere at the vehicle frame. Additionally, it is pointed out that there is a synergistic effect between the features of the distributing grease directly onto a contact surface of the closing hook and further providing the coupling hook with a permanent coating, which enables low grease consumption and therefore allows for use of a small size of a grease reservoir. Due to the small size, it is possible to arrange the grease reservoir cartridge in the very small area underneath the pivoting coupling plate.

Accordingly, in view of the above, it is respectfully submitted that the cited references cannot render the present invention obvious.

New claim 23 is added herewith and further defines that the closing hook comprises a lubricating channel running in a radial direction on one side of the closing hook opposite the closing opening. Such features are disclosed in at least paragraphs [0043] and [0048]. The Schneider reference fails to teach lubrication of the coupling hook at all, as described hereinabove. Moreover, even if one of ordinary skill in the art would consider the wearing ring 24 as a coupling hook, the lubricating channel 28 according to Schneider is located laterally with respect to the closing opening 12 see Schneider Figs. 1-3 and 5.

Should the Examiner have any questions and concerns regarding this response a telephone call to the undersigned would be greatly appreciated.

Respectfully submitted,

HUDAK, SHUNK & FARINE CO. LPA



Daniel J. Hudak, Jr.
Registration No. 47,669

2020 Front St., Suite 307
Cuyahoga Falls, OH 44221
Tel: 330-535-2220
Attorney Docket No.: FMW-CT-PCT-US (J 1201 US)